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7 *Stratosphere Gaming LLC d/b/a*
8 *THE STRAT*

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10 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

11 ELIZABETH CHAVEZ, an individual,

12 Plaintiff,

13 vs.

14 STRATOSPHERE GAMING LLC d/b/a THE
STRAT, a limited liability company;

15 Defendant.

Case No.: 2:20-cv-01048-GMN-NJK

STIPULATION AND ~~PROPOSED~~
ORDER TO STAY ACTION UNTIL
JUNE 1, 2022

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17 Defendant Stratosphere Gaming, LLC d/b/a THE STRAT (“Defendant” or “Strat”) by and
18 through its counsel of record, Jackson Lewis, P.C., and Plaintiff Elizabeth Chavez (“Plaintiff”),
19 by and through her counsel of record, Mullins and Trenchak, hereby stipulate and agree as
20 follows:

21 1. On September 25, 2020, the Court entered an Order granting the Stipulated
22 Discovery Plan and Scheduling Order submitted by the parties. ECF No. 19.

23 2. In this case, the parties have been working on written discovery, including
24 Defendant servicing its responses to extensive written discovery served by Plaintiff, including
25 Interrogatories, Requests for Production of Documents, Requests for Admissions, and
26 supplementing Initial Disclosures. Defendant also served written discovery on Plaintiff, and
27 Plaintiff served responses on November 19, 2021.
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1 3. This is the fifth request by the parties regarding the discovery deadlines as set
2 forth in the September 25, 2020 Order. The Parties previously stipulated and the Court granted a
3 First Request to extend the Stipulated Discovery Plan and Scheduling Order on January 15, 2021,
4 following a COVID-19 exposure that severely impacted Defendant's counsel and required closure
5 of counsel's office. ECF No. 22. Lead Defense Counsel was out of the office ill for four weeks,
6 returning slowly in mid-January while continuing to recover through February 2021.

7 4. The Parties subsequently stipulated, and the Court granted a Second Request to
8 extend the Stipulated Discovery Plan and Scheduling Order on April 27, 2021 to accommodate
9 the health of Plaintiff's Counsel. ECF 31. Plaintiff's Counsel experienced a medical emergency
10 which required surgery in September of 2020. Plaintiff's Counsel remained unable to walk
11 unassisted through the end of December 2020, required physical therapy three days a week, and
12 was expected to have surgery in June 2021 requiring four to six weeks of recovery time.

13 5. The Parties subsequently stipulated, and the Court granted a Third Request to
14 extend the Stipulated Discovery Plan and Scheduling Order on August 10, 2021 to accommodate
15 the health of Plaintiff's Counsel and Defendant's counsel. ECF 33. Plaintiff's Counsel required
16 two surgeries, one in late June and the second in early July 2021, and required extensive recovery
17 time. In addition, Defendant's Counsel also fell seriously ill with the flu (which later was found
18 to relate to chronic ongoing issues following Covid19 illness), and Counsel was out of the office
19 in late July and part of August.

20 6. The Parties subsequently stipulated, and the Court granted a Fourth Request to
21 extend the Stipulated Discovery Plan and Scheduling Order on November 23, 2021 to
22 accommodate the health of Plaintiff's Counsel and Defendant's counsel. ECF 35. Counsel for
23 both Parties have been dealing with ongoing illness and recovery. Plaintiff's Counsel's recovery
24 following two surgeries in June and July 2021 was much slower and more painful than
25 anticipated, rendering Plaintiff's Counsel unable to work until a few months ago. Defendant's
26 Counsel also became seriously ill again recently due to chronic Covid19 related issues and was
27 out of the office for a couple of weeks. Plaintiff responded to extensive written discovery
28 requests from Defendant on November 19, 2021.

1 7. The parties began to schedule depositions. However, Plaintiff's counsel continues
2 to experience health problems, including long haul COVID-19 symptoms that make it difficult for
3 him to work on a consistent basis. Plaintiff's counsel continues to require medical treatments for
4 issues with breathing because of his exposure to COVID-19.

5 8. In addition, Plaintiff has a collateral labor arbitration, which proceeded to a full
6 day hearing with Arbitrator Jay Fogelberg on January 12, 2022. Plaintiff was represented by
7 Union counsel at the hearing and testified regarding the circumstances of her termination, which
8 are also at issue here. Plaintiff requested that Arbitrator Fogelberg reinstate her employment with
9 Defendant and award her back pay. Accordingly, the results of the labor arbitration will
10 substantially impact the Parties' respective positions in this case, including the possible remedies
11 available to Plaintiff, should she prevail, and the possibility that the Parties can resolve Plaintiff's
12 claims without incurring additional discovery costs.

13 9. Arbitrator Fogelberg has requested post-hearing briefs in the labor arbitration,
14 which are currently due April 18, 2022. The Parties anticipate Arbitrator Fogelberg will issue a
15 decision within 30 days of receipt of the post-hearing briefs.

16 10. The Parties thus stipulate and agree that discovery should be stayed until June 1,
17 2022, at which point the Parties believe there will be a final decision in Plaintiff's labor
18 arbitration proceeding. The Parties further request that the Court set a status hearing on or after
19 June 1, 2022.

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11. This request is made in good faith and not for the purpose of delay.

Dated this 17th day of February, 2022.

LAW OFFICE OF
MULLINS & TRENCHAK

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*Attorneys for Defendant
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ORDER

IT IS SO ORDERED _ February 18 _____, 2022.

The Court declines to set a status
hearing and, instead, a joint status
report must be filed by June 1, 2022.



U.S. ~~District Judge~~ Magistrate Judge